

REMARKS

The Office Action of March 2, 2007 has been carefully considered.

The Office Action alleges that the Information Disclosure Statement filed on December 10, 2004 fails to comply with 37 CFR 1.97 and 1.98, and MPEP 609 because copies of foreign patents and NPL documents were not submitted. Applicants submit herewith a copy of the receipt card dated December 10, 2004 for Serial No. 10/512,077, in which the USPTO acknowledges receipt of an Information Disclosure Statement and four documents. As Applicants have submitted *prima facie* evidence of receipt by the USPTO of the allegedly missing documents, Applicants submit that the Information Disclosure Statement was in compliance with 37 CFR 1.97 and 1.98 and MPEP 609, and that the documents submitted were lost subsequent to submission by the USPTO.

To insure consideration of these documents, Applicants submit herewith copies of FR2689912 with Abstract, JP10258273 Abstract and the Sanchez et al article, the references cited in the PCT Search Report. The Romanov et al article also cited is not submitted as it is already of record in the application.

The Office Action recognizes the claim for priority based on FR 02 05731 of May 7, 2002, but states that Applicant's claim for priority cannot be based on this application because the US application was filed more than twelve months later.

The Examiner's attention is directed to the Transmittal Letter for this application filed on November 5, 2004, and to the declaration filed on December 9, 2004. The Transmittal Letter states that the filing is made under 35 USC 371; the declaration makes reference to "the specification which was filed on May 7, 2003 as PCT International Application Number PCT/FR03/01423..."

It is this PCT International Application which was filed within one year of the priority application. The right of priority in PCT National Stage applications is established by 35 USC 365(a) and (b).

The specification has been amended to include a reference to the originally filed PCT application, and to use proper subject matter headings.

Claims 1-16 have now been canceled, and replaced by a new set of claims 17-27, which have been written in proper form for US practice.

Claims 1-8 have been rejected under 35 USC 102(b) as anticipated by Romanov et al, and claims 9-11 have been rejected under 35 USC 103(a) over Romanov et al in view of Pechenik.

According to the invention, a thin layer is formed on a nanostructured support, and the support is treated to generate internal strains therein, causing a deformation of the support at least in the plane of the thin layer, so as to ensure a corresponding deformation of the thin layer and modification of properties of the thin layer. As explained, for example, at page 12, line 20 et seq of the specification, the support is treated to cause dilation or contraction, so as to cause a corresponding dilation or contraction in the thin layer at the interface.

Romanov et al effectively teaches just the opposite procedure. According to the first paragraph of Romanov et al, "...a high-quality mismatched epitaxial film substantially exceeding its conventional critical thickness h_c can be grown because the resulting strain and threading dislocations are predominantly distributed in the compliant substrate."

Thus, Romanov et al propose to form a thin layer in lattice conflict on the surface of a support, with the resulting strain energy absorbed by the support. Romanov et

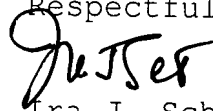
al do not disclose or suggest *causing a strain the support*, in order to create a *corresponding strain in the thin layer*.

Pechenik has been cited to show a conductive substrate 52 with piezoelectric elevations 60 with electrodes 72. Pechenik does not, however, disclose forming a strain in the substrate to cause a strain in the thin layer, and does not, therefore, cure the defects of Romanov et al.

Withdrawal of these rejections is requested.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



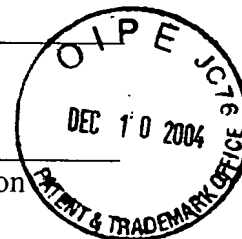
Ira J. Schultz
Registration No. 28666



Due Date _____ Docket No. 04202/Beau/IS/cd
Applicant Olivier MARTY et al Mail Room XX Group _____
SN/PN 10/512,077 PCT _____ Other _____
Title PROCESS FOR MODIFYING THE PROPERTIES OF A THIN LAYER AND SUBSTRATE....

____ Declaration _____ Assignment
____ Priority Document(s) (# _____)

xx IDS yes 1449 # of Docs: 4 _____ Request for Corrected Filing Receipt
____ Restriction Response _____ OA Response
____ Preliminary/Supplemental Amdt _____ Letter
____ Terminal Disclaimer _____ AAFR
____ Notice of Appeal _____ Appeal Brief
____ Petition (type) _____
____ Request for _____ month EOT _____ Req. for Cert. Of Correction
____ Drawings - No. of Sheets _____
____ Fees \$ _____ For _____
____ Check _____ Deposit Account _____ Credit Card Form PTO-2038 _____
____ Other _____



DENNISON, SCHULTZ, DOUGHERTY & MACDONALD (703) 837-9600

DEN-136-12/14/04